

INTERNATIONAL SEARCH REPORT

International application No
PCT/US 03/26300

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7	A61K31/4412	C07D213/82	C07D401/12	C07D241/24	C07D401/06
	C07D333/20	A61K31/4427	A61P3/04	C07C43/20	

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D C07C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BEILSTEIN Data, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 827 746 A (LILLY CO ELI) 11 March 1998 (1998-03-11) preparation 93, compounds of formula XIX-page 15 and formula XXIII-page 16 claims ---	1-38
X	WO 97 10825 A (LILLY CO ELI ;BELL MICHAEL G (US); CROWELL THOMAS A (US); DROSTE C) 27 March 1997 (1997-03-27) page 7; claims ---	1-38
X	WO 02 06276 A (SCHOTTEN THEO ;EVERS BRITTA (DE); RUEHTER GERD (DE); STENZEL WOLFG) 24 January 2002 (2002-01-24) page 74, line 16 -page 82, line 18; claims; tables 3,6,7 page 13, line 1-7,15-20 ---	1-38

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

19 February 2004

27/02/2004

Name and mailing address of the ISA

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Application No
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 921 120 A (LILLY CO ELI) 9 June 1999 (1999-06-09) claims page 7 page 8 page 14 ----	1-38
A	US 4 891 379 A (ZIMMERMAN DENNIS M ET AL) 2 January 1990 (1990-01-02) cited in the application column 22, line 62 -column 32, line 3; claims ----	1-38
A	US 6 436 959 B1 (FITZPATRICK LOUIS J ET AL) 20 August 2002 (2002-08-20) column 16, line 60 -column 18, line 65; claims; examples ----	1-38
A	WO 99 67204 A (DELORME DANIEL ;ROBERTS EDWARD (CA); ASTRA PHARMA INC (CA); ASTRA) 29 December 1999 (1999-12-29) page 49, line 1 -page 53, line 25; claims ----	1-38
A	WO 00 40560 A (ISHIKAWA HIROHUMI ;TANIGUCHI KIYOSHI (JP); WASHIZUKA KENICHI (JP);) 13 July 2000 (2000-07-13) page 14, line 6 -page 16, line 11; claims; examples 2,11,12 -----	1-38

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present Claim 1 relates to an extremely large number of possible compounds. In fact, Claim 1 contains so many options, variables, possible permutations that a lack of clarity (and conciseness) within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT arises to such an extent as to render a meaningful search of the Claim 1 impossible. The Claim 1 can in no way be considered to be a reasonable generalisation of the actual examples since it include numerous possibilities which cannot be considered as equivalents, homologues or analogues of the tested examples. Consequently, the search was carried out for those parts of the application which do appear to be clear (concise and supported by the examples), namely for the compounds of formula Ib (as defined in the description page 547). It is pointed out that all the compounds claimed by the present Claims 18-24 as well as all the tested compounds fall under general structure Ib.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 27–30, 32–37 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

see FURTHER INFORMATION sheet PCT/ISA/210
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US 03/26300

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